

STAFF REPORT FOR PLANNING COMMISSION MEETING OF OCTOBER 26, 2022

FILE NO: VAR-2022-0394

AGENDA ITEM: 6.D

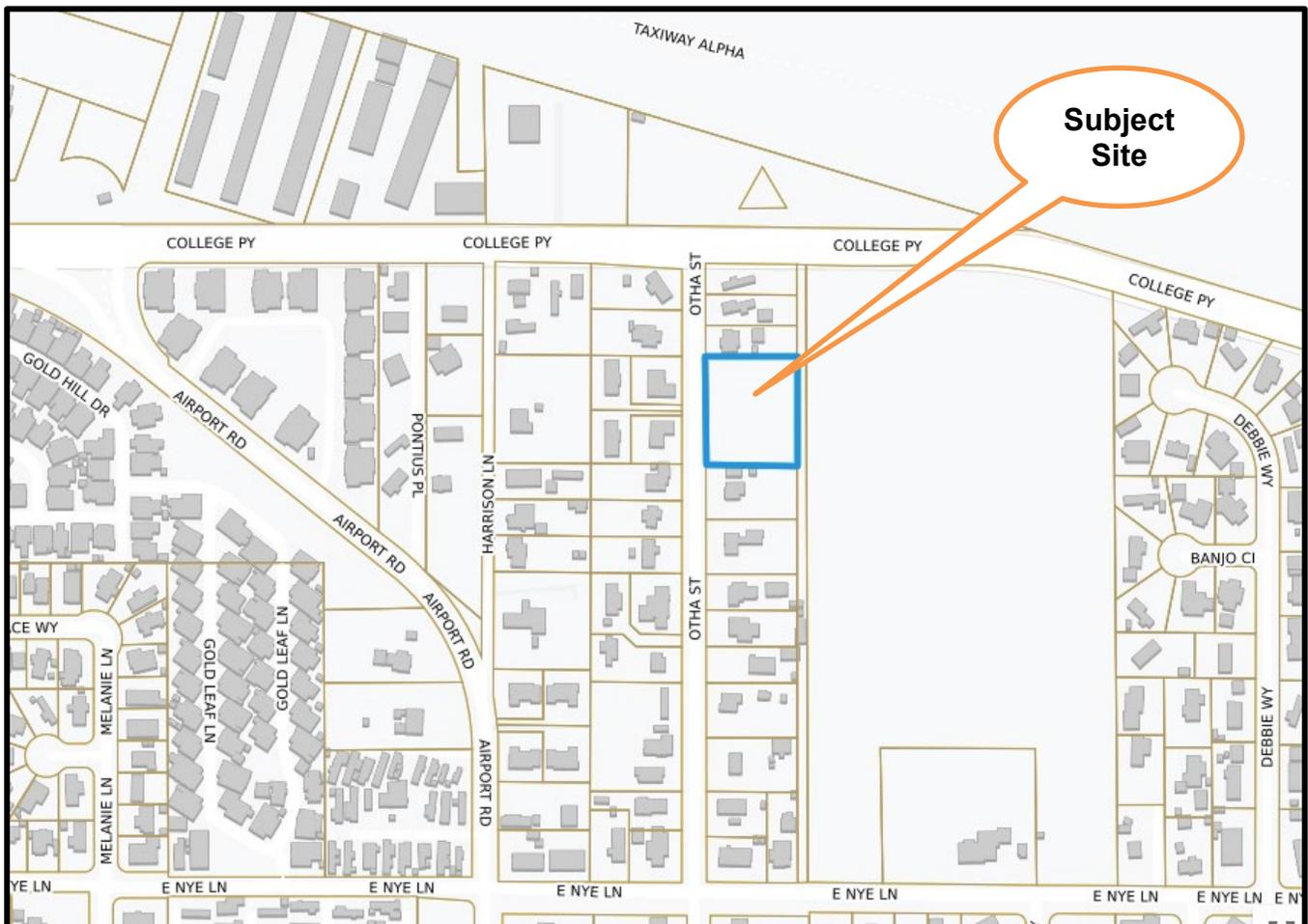
STAFF CONTACT: Heather Manzo, Associate Planner

AGENDA TITLE: For Possible Action: Discussion and possible action regarding a request from Lee Hutchins (“Applicant”) for a variance to reduce the required minimum lot size for a property zoned Mobilehome-12,000 (“MH12”) to create four residential lots on a property located at 3419 Otha Street, APN 008-192-02. (Heather Manzo, hmanzo@carson.org)

STAFF SUMMARY: The Applicant is proposing a reduction to the required minimum lot size from 12,000 square feet to 10,915 square feet for the creation of four single-family residential lots on a vacant one-acre parcel. A variance is required. The Planning Commission is authorized to approve the variance.

PROPOSED MOTION: “I move to deny variance VAR-2022-0394, based on the inability to make all of the required variance findings.”

VICINITY MAP:



Should the Planning Commission be able to make all variance findings and approve the request, the

conditions listed below are recommended, at a minimum.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item may be rescheduled for the next Planning Commission meeting for further consideration.
2. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on and off-site improvements shall conform to City standards and requirements.
4. The applicant shall meet all the conditions of approval and commence the use for which this permit is granted, within 12 months of the date of final approval. A single, one-year extension of time may be granted if requested in writing to the Planning Division of the Carson City Community Development Department at least 30 days prior to the one-year expiration date. Should this permit not be initiated within one-year, and no extension granted, the permit shall become null and void.
5. Prior to the recordation of a map to subdivide the property, the applicant shall demonstrate that parcels shall have a minimum lot size of 10,915 square feet.

LEGAL REQUIREMENTS: Carson City Municipal Code (“CCMC”) 18.02.050 (Review); 18.02.085 (Variances); and 18.04.085 (Mobilehome – 12,000 Square Feet (“MH12”)).

MASTER PLAN DESIGNATION: Medium Density Residential

ZONING: MH12

KEY ISSUES: Will the approval of the variance request be in keeping with the standards of the CCMC?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: MH12 – Single Family Residences
EAST: MH12 – Vacant Land
SOUTH: MH12 – Single Family Residences
WEST: MH12 – Single Family Residences

ENVIRONMENTAL INFORMATION:

FLOOD ZONE: X Shaded (areas of minimal flooding)
SLOPE/DRAINAGE: project area is flat
SEISMIC ZONE: Zone II, moderate earthquake potential, beyond 500 feet

SITE DEVELOPMENT INFORMATION:

PARCEL AREA: ±1 acre
EXISTING DEVELOPMENT: Vacant

BACKGROUND: The subject site consists of a vacant one acre parcel. The applicant sought the approval of a minor variance which requires affected abutting property owners to provide written consent of the request. The Applicant was unable to obtain signatures from all affected abutting owners, therefore the Applicant has filed a major variance to the lot size requirements. The Applicant has requested a reduction to the minimum lot size from 12,000 square feet to 10,915 square feet in order to increase the number of developable lots from 3 to 4 lots. If the variance is approved, the Applicant would submit a parcel map to subdivide the subject site. Per CCMC 18.02.085, the Planning Commission has the

authority to approve a variance upon making each of the three required findings in the affirmative.

DISCUSSION: The Applicant has submitted a site plan proposing a lot configuration that is consistent with a parcel map that was recorded on the west side of Otha Street in 2007. In reviewing the record for the 2007 subdivision request (PM-07-120), a minor variance was approved to reduce the minimum lot size. There does not appear to be an evaluation of the potential impact to site density with the approved minor variance (VAR-07-134). The applicant is seeking a variance to subdivide the property in a similar manner, however approval of the request would increase the possible density from 3 to 4 dwelling units. CCMC 18.02.085.9 (Limitations on Variances) states that variances shall not be granted that change the permitted residential density of a zoning district.

PUBLIC COMMENTS: Public notices were mailed on October 12, 2022, to 31 property owners, within 500 feet of the subject site, pursuant to the provisions of the Nevada Revised Statutes and the CCMC. As of the writing of this report no public comments had been received. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting on October 26, 2022, depending on their submittal date to the Planning Division of the Carson City Community Development Department.

CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS: Plans were routed to commenting agencies, and the following comments were received. Comments have been incorporated into the conditions of approval, as appropriate.

Development Engineering:

The Carson City Public Works Department Development Engineering Group (“Development Engineering”) has reviewed the request within our areas of purview relative to adopted standards and practices and to the provisions of C.C.M.C. 18.02.085, Variances:

CCMC 18.02.085(2)(a) - Adequate Plans

The information submitted by the applicant is adequate for this analysis.

CCMC 18.02.085(5)(a) – Site Constraints

There are not engineering site constraints which would lead to the site being deprived of privileges enjoyed by other properties in the vicinity.

CCMC 18.02.085(5)(b) – Preservation and Enjoyment of Property Rights

There are no constraints imposed by sewer, water, storm drain or traffic infrastructure or geology that would impede preservation and enjoyment of property rights. City water, sewer and drainage infrastructure is available. The site is not in a flood zone. There are no slopes or fault lines impacting the site. There are no easements impacting the site.

CCMC 18.02.085(5)(c) - Adverse Effects to the Public

Granting this request will not adversely affect to a material degree the health and safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.

Fire Department:

1. The project shall meet or exceed the 2018 International Fire Code.
2. The project shall meet or exceed the 2018 Northern Nevada 2018 International Fire Code Amendments.
3. Street Addressing (Premises Identification) shall be designed to reflect the address of those residences that do not front Otha Street.

FINDINGS: Staff’s recommendation is based upon the findings as required by CCMC 18.02.085 (Variances) enumerated below and substantiated in the public record for the project.

1. **That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.**

Staff is unable to make this finding in the affirmative. The property is rectangular with no noted special circumstances that makes the subject site unique to other properties with the same zoning classification. Strict application of the zoning ordinance would not have a negative impact on the ability to develop the property.

2. **That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.**

Staff is unable to make this finding in the affirmative. The variance is not necessary for the preservation and enjoyment of substantial property rights of the applicant. As there are no parcel size, shape or terrain constraints, the property can be developed by the property owner utilizing the zoning code standards, however based on the current zoning district and size of the lot, subdivision would result in a maximum of 3 residential lots.

3. **That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.**

Granting of the application would be consistent with a minor variance and parcel map that was granted for a property across Otha Street to the west of the site. The neighborhood character is comprised of a mixture of one quarter and one third of an acre lots. Granting of the application would not in this case adversely affect the health or safety of residents and business within the area. There would not be a detrimental effect on properties nor improvements within the neighborhood as the request proposes a lot size currently existing on Otha Street.

Attachments:

Application VAR-2022-0394

Carson City Planning Division 108 E. Proctor Street- Carson City NV 89701 Phone: (775) 887-2180 • E-mail: planning@carson.org		FOR OFFICE USE ONLY: CCMC 18.02.085 MAJOR VARIANCE FEE*: \$2,150.00 + noticing fee *Due after application is deemed complete by staff
FILE #		<input type="checkbox"/> SUBMITTAL PACKET – 4 Complete Packets (1 Unbound Original and 3 Copies) <input type="checkbox"/> Application Form <input type="checkbox"/> Detailed Written Project Description <input type="checkbox"/> Site Plan <input type="checkbox"/> Building Elevation Drawings and Floor Plans <input type="checkbox"/> Variance Findings <input type="checkbox"/> Applicant's Acknowledgment Statement <input type="checkbox"/> Documentation of Taxes Paid-to-Date <input type="checkbox"/> CD or USB DRIVE with complete application in PDF Application Reviewed and Received By: <hr/> Submittal Deadline: Planning Commission application submittal schedule. Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional Information may be required.
APPLICANT	PHONE #	
Lee Hutchins	775-230-8384	
MAILING ADDRESS, CITY, STATE, ZIP		
188 Artesia Rd Wellington NV 89444		
EMAIL ADDRESS		
lee.hutchins@yahoo.com		
PROPERTY OWNER	PHONE #	
Lee Hutchins	775-230-8384	
MAILING ADDRESS, CITY, STATE, ZIP		
Same as Applicant		
EMAIL ADDRESS		
Same as Applicant		
APPLICANT AGENT/REPRESENTATIVE	PHONE #	
Mark Johnson, P.E.	775-430-6273	
MAILING ADDRESS, CITY, STATE, ZIP		
3108 Silver Sage Drive, Ste 102 Carson City NV 89701		
EMAIL ADDRESS		
markj@stankaconsulting.com		
Project's Assessor Parcel Number(s):		Street Address
008-192-02		3419 Otha St
Project's Master Plan Designation	Project's Current Zoning	Nearest Major Cross Street(s)
Medium Density Residential	MH12	College Pkwy

Please provide a brief description of your proposed project below. Provide additional pages to describe your request in more detail.

The applicant wishes to subdivide his property into 4 single-family residential lots, each lot being just over 10,900 sq ft in area.

PROPERTY OWNER'S AFFIDAVIT

I, Lee Hutchins, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

[Signature]
 Signature

188 Artesia Rd., Wellington NV 89444
 Address

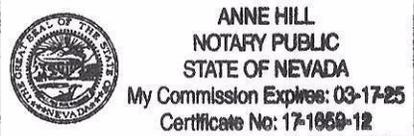
9/12/22
 Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA }
 COUNTY Lyon }

On September 12, 2022 Leland "Lee" Hutchins, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

[Signature]
 Notary Public



NOTE: If your project is located within the Historic District or airport area, it may need to be scheduled before the Historic Resources Commission or the Airport Authority in addition to being scheduled for review by the Planning Commission. Planning staff can help you make this determination.

Stanka Consulting, LTD

A Professional Engineering Company

3108 Silver Sage Drive, Suite 102 Carson City, Nevada 89701 ~ (775) 885-9283/ (775) 430-6273

Website – www.stankaconsulting.com ~ email - markj@stankaconsulting.com

September 8, 2022

Carson City Planning Division
108 E. Proctor Street
Carson City NV 89701

Subject: Major Variance request for Lee Hutchins 3419 Otha Street, APN 008-192-02

Stanka Consulting LTD, acting as agents for Lee Hutchins, owner of APN 008-192-02, 3419 Otha Street is submitting this Major Variance request application according to Carson City Municipal Code (CCMC) 18.02.085. The applicant is proposing to divide his property at 3419 Otha into four residentially zoned lots. The property is 43,693 square feet, or 1.003 acres according to Subdivision Map 13174X recorded May 8, 1957. Divided equally, each property would be approximately 10,923 square feet. This is less than the area required under the property's current zoning, MH12, which requires a minimum lot size of 12,000 square feet.

A Minor Variance had been sought to allow a less than 10% variance from the lot size of 12,000 square feet as required by CCMC 18.04.190 for MH12 zoning. A 10% variance in the lot size would allow a lot size of no less than 10,801 square feet. The minimum lot size proposed by the parcel map is 10,915 square feet. That area is within the 10% variance. However, one of the adjoining property owners could not be contacted in order to obtain a consent letter as required for a Minor Variance application. Therefore, the applicant will need to obtain a Major Variance.

The subject property lies on the eastern side of Otha Street approximately 200 feet south of College Parkway. All properties on the south side of College Parkway surrounding the subject property are zoned MH12. The Carson City Airport lies on the north side of College Parkway. The proposed parceling would result in four residential single-family lots. The lots would be connected to public utilities including sewer and water. The two proposed lots fronting Otha Street would each have their own driveway; the two in the back (east) of the subject property would share a driveway onto Otha Street. The shared driveway would meet Fire Department width requirements.

The following are this office's response to the findings for a Major Variance per CCMC 18.02.085:

1. That because of special circumstances to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification;

There are four properties directly across the street from the subject property, 008-191-36 to 39 which were created by a tentative parcel map, PM 2678. The properties range in size from 10,920 to 10,931 square feet. They are within the MH12 zoning area. Not allowing the subject property to be subdivided into four lots

would deprive the owner of the privileges enjoyed by the owner of the four properties across the street who was allowed to subdivide their land into four lots.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant;

Current zoning would allow the applicant to parcel his land into only three lots. This is one less than the four lots directly across the street each of which would be the same area as each of the four lots proposed by the applicant on his land.

3. That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.

The granting of the major variance request will allow the division of the land into four lots and the subsequent construction of four single family detached dwellings on the four lots. The subject property is the last undeveloped land on Otha Street. The proposed use is consistent with the existing uses on Otha Street, namely, residential, single family homes on 0.25 to 0.5 acre lots. Increase in traffic rates on Otha Street would be negligible from the proposed project. The project would not adversely affect the health, safety or public welfare of the residents in the surrounding neighborhood.

Documentation of the taxes paid to date is included with this application.

It is anticipated that the four residential homes proposed for this subject property would have a floor area between 1400 and 1500 square feet and a garage of approximately 525 square feet. However, no floor plans or elevations have been decided upon at this time. The proposed homes will conform to the general design of the area.

If you have any questions please contact me at (775) 885-9283.

Thank you,

Mark Johnson, P.E.

Stanka Consulting, LTD



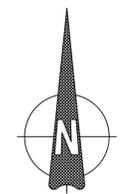
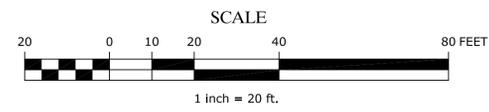
NOTE: 2-foot Topography Lines Obtained from Carson City MapGeo GIS system. APN Lines are Approximate from Carson City MapGeo GIS system (APN Lines have not been surveyed), with the exception of the APN line for the subject parcel which was obtained from Subdivision Map for Pennington Subdivision (Carson City Recorded Document No. 13174X). Existing Easements on subject properties obtained from Tentative Parcel Map provided by surveyors. Additionally a title report was researched provided when the property was purchased by the current owner. No additional easements have been recorded since the owner purchased the property.

Existing site features have been identified from field visits, review of google earth aerials and mapping software, coordination with utility companies, and Carson City MapGeo GIS resources.

Homes to be Constructed at a Later Date under Building Permit and Site Plot Plans to be provided for each parcel. Homes and driveways shown for reference purposes only.

LEGEND

- PROPERTY LINES (BASED ON CARSON CITY ASSESSORS DATA)
- CONCRETE SURFACE (SIDEWALKS / WALKWAYS)
- EXISTING STRUCTURE
- PROPOSED HOMES
- 2-FT TOPOGRAPHY CONTOUR (OBTAINED FROM CARSON CITY MAPGEO GIS RESOURCES)
- EXISTING OVERHEAD ELECTRICAL (WITH POLE LOCATION, N.T.S.)
- BURIED ELECTRIC
- BURIED CABLE / COMMUNICATIONS (NONE IDENTIFIED)
- SANITARY SEWER (AND MANHOLE LOCATION)
- WATER LINE (AND VALVE LOCATION)
- FIRE HYDRANT (N.T.S.)
- BURIED GAS LINE (LOCATION UNKNOWN FOR OTHA ST - TO BE VERIFIED PRIOR TO CONSTRUCTION)
- IDENTIFIED EASEMENT OR SETBACK
- EXISTING FENCING
- EXISTING TREE
- PROPOSED PROPERTY LINES



REVISIONS:	BY:

ENGINEER'S STAMP:

**SITE MAP TO ACCOMPANY
MAJOR VARIANCE
APPLICATION**
Lee Hutchins
3419 Otha St, Carson City, NV
APN 008-192-02

Stanka Consulting, LTD
A Professional Engineering Company
3108 Silver Sage Drive, Suite 102
Carson City NV 89701
(775) 885-9283 / (775) 430-6273
markj@stankaconsulting.com
www.stankaconsulting.com

LEE HUTCHINS
VARIANCE PLANS
- SHEET 2 of 2

DRAWING DATE: 9/8/2022
STANKA CONSULTING LTD
3108 SILVER SAGE DRIVE, STE 102
CARSON CITY, NV 89701
WWW.STANKACONSULTING.COM
DRAWN FOR LEE HUTCHINS
FOR SUBMITTAL
TO CARSON CITY, NV.

ACKNOWLEDGMENT OF APPLICANT

I certify that the foregoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one year of the date of the Planning Commission approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City Code requirements.



Applicant's Signature

LEE HUTCHINS

Print Name

9/13/22

Date

Carson City Property Inquiry

Property Information

Parcel ID	008-192-02	Parcel Acreage	1.0000
Tax Year	2022 <input type="button" value="v"/>	Assessed Value	24,500
Land Use Group	VAC	Tax Rate	3.5700
Land Use	120 - Vacant - Single Family Residential	Total Tax	\$534.89
Zoning	MH12	Fiscal Year (2022 - 2023)	
Tax District	024	Total Unpaid All Years	\$399.69
Site Address	3419 OTHA ST		
Neighborhood	Book 8. MH Acre parcels		

No Sketches or Photos

Assessments

Taxable Value	Land	Building	Per. Property	Totals
Residential	70,000	0	0	70,000
Com / Ind.	0	0	0	0
Agricultural	0	0	0	0
Exempt	0	0	0	0
Pers. Exempt				0
Total	70,000	0	0	70,000

Assessed Value	Land	Building	Per. Property	Totals
Residential	24,500	0	0	24,500
Com / Ind.	0	0	0	0
Agricultural	0	0	0	0
Exempt	0	0	0	0
Pers. Exempt				0
Total	24,500	0	0	24,500

	New Land	New Const.	New P.P.
Residential	0	0	0
Com / Ind.	0	0	0
Agricultural	0	0	0
Exempt	0	0	0
Totals	0	0	0

Assessor Descriptions						
Year	Assessor Descriptions	Subdivision	Section	Township	Range	Block & Lot
Current Year 2023						
2023	PENNINGTON SUBDIVISION LOT 4	PENNINGTON SUBDIVISION	03	15N	20E	BLK LT 4
Selected Parcel Year 2022						
2022	PENNINGTON SUBDIVISION LOT 4	PENNINGTON SUBDIVISION	03	15N	20E	BLK LT 4

No Personal Exemptions

Billing Fiscal Year (2022 - 2023)							
Installment	Date Due	Tax Billed	Cost Billed	Penalty/Interest	Total Due	Amount Paid	Total Unpaid
1	8/15/2022	\$135.20	\$0.00	\$0.00	\$135.20	\$135.20	\$0.00
2	10/3/2022	\$133.23	\$0.00	\$0.00	\$133.23	\$0.00	\$133.23
3	1/2/2023	\$133.23	\$0.00	\$0.00	\$133.23	\$0.00	\$133.23
4	3/6/2023	\$133.23	\$0.00	\$0.00	\$133.23	\$0.00	\$133.23
Total		\$534.89	\$0.00	\$0.00	\$534.89	\$135.20	\$399.69

⊖ Payment History						
	Fiscal Year	Total Due	Total Paid	Amount Unpaid		
⊖	(2022 - 2023)	\$534.89	\$135.20	\$399.69		
⊕ Installment 1						
Date Due	Tax Billed	Cost Billed	Penalty/Interest	Total Due	Total Paid	Total Unpaid
8/15/2022	\$135.20	\$0.00	\$0.00	\$135.20	\$135.20	\$0.00
⊕ Installment 2						
Date Due	Tax Billed	Cost Billed	Penalty/Interest	Total Due	Total Paid	Total Unpaid
10/3/2022	\$133.23	\$0.00	\$0.00	\$133.23	\$0.00	\$133.23
⊕ Installment 3						
Date Due	Tax Billed	Cost Billed	Penalty/Interest	Total Due	Total Paid	Total Unpaid
1/2/2023	\$133.23	\$0.00	\$0.00	\$133.23	\$0.00	\$133.23
⊕ Installment 4						
Date Due	Tax Billed	Cost Billed	Penalty/Interest	Total Due	Total Paid	Total Unpaid
3/6/2023	\$133.23	\$0.00	\$0.00	\$133.23	\$0.00	\$133.23
⊕	(2021 - 2022)	\$495.43	\$495.43	\$0.00		
⊕	(2020 - 2021)	\$476.21	\$476.21	\$0.00		
⊕	(2019 - 2020)	\$459.68	\$459.68	\$0.00		
⊕	(2018 - 2019)	\$438.64	\$438.64	\$0.00		
<input type="button" value="Show 5 More (22)"/>						

⊖ Related Names	
CURRENT Mail To FOR 2023 (2023 - 2024) Name HUTCHINS, LEE Mailing Address 188 ARTESIA RD WELLINGTON, NV, 89444-0000 Status Current Account	CURRENT OWNER FOR 2023 (2023 - 2024) Name HUTCHINS, LEE Mailing Address Status Current Account
Mail To FOR 2022 (2022 - 2023) Name HUTCHINS, LEE Mailing Address 188 ARTESIA RD WELLINGTON, NV, 89444-0000 Status Current Account	OWNER FOR 2022 (2022 - 2023) Name HUTCHINS, LEE Mailing Address Status Current Account

No Structure Information

☰ Sales History

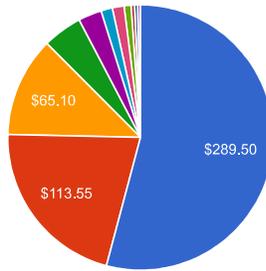
DISCLAIMER: SOME DOCUMENTS MAY NOT BE SHOWN

Year	Document #	Document Type	Sale Date	Sold By	Sold To	Price
2018	481815	GRANT BARGAIN SALE DEED	1/5/2018	JOAN JACA TR & DUINO SCHRICK	LEE HUTCHINS	\$105,000

No Genealogy Information

☰ Taxing Entities

Tax Entity	Tax Rate	Amount
CITY OPER.	1.9622	\$289.50
SCHOOL OPER.	0.7500	\$113.55
SCH. DEBT (V)	0.4300	\$65.10
STATE OF NV	0.1700	\$25.74
MEDICAL INDG	0.1000	\$15.14
SR. CIT.	0.0500	\$7.57
CAP.PROJ. (L)	0.0500	\$7.57
SUB-CONSERV.	0.0300	\$4.54
ACCIDENT INDG	0.0150	\$2.28
CO-OP EXT.	0.0128	\$1.94
Tax Entity Total	3.5700	\$532.93
EAGLE VLY GRND WTR	0.0000	\$1.96
Special Assessment Total	0.0000	\$1.96
Year Total	3.5700	\$534.89



- CITY OPER.
- SCHOOL OPER.
- SCH. DEBT (V)
- STATE OF NV
- MEDICAL INDG
- SR. CIT.
- CAP.PROJ. (L)
- SUB-CONSERV.
- ACCIDENT INDG
- CO-OP EXT.
- EAGLE VLY GRND...